

**BOARD OF COUNTY COMMISSIONERS**  
**Agenda Item Summary**

**Meeting Date**      7/14/04

**Division**      **County Attorney**

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**AGENDA ITEM WORDING**

Authorization to initiate litigation to collect code enforcement fines that had been imposed against David J. Laquerre and Holly G. Blandeaux and authorization for the County Attorney's office to negotiate settlements, if appropriate, in each case.

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**ITEM BACKGROUND**

**Laquerre:** On 2/09/04, the Code Enforcement Special Master imposed a daily fine of \$250.00 against Mr. Laquerre for building a seawall and installing pavers without benefit of a permit. As of 6/23/04, the property was still in violation. On that date, the Special Master authorized the initiation of collection proceedings of the fine and costs which totaled \$38,350.00 and continues to accrue. While Mr. Laquerre is incarcerated in a federal facility, he does have a contractor working towards compliance.

**Blandeaux:** On 3/15/04, the Special Master imposed a one time fine of \$584.88 plus costs in the amount of \$100.00 against Ms. Blandeaux, the owner of a travel trailer dumped on the right of way. The fine amount represents the cost the County's solid waste department incurred in removing that trailer from the right-of-way. On 6/23/04, the Special Master authorized the initiation of collection proceedings because the fine and administrative costs totaling \$684.88 had not been paid.

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**PREVIOUS RELEVANT BOCC ACTION** None.

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**CONTRACT/AGREEMENT CHANGES** None.

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**STAFF RECOMMENDATIONS**

Approval

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**TOTAL COST**

**BUDGETED**    Yes    No

**COST TO COUNTY**

**SOURCE OF FUNDS**

**APPROVED BY:**    County Attorney ■      OMB/Purchasing !    Risk Management !

**DIVISION DIRECTOR APPROVAL:**

  
JOHN R. COLLINS

**DOCUMENTATION:**

Included xx

To Follow !

Not Required !

**AGENDA ITEM #**

53

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER  
OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

DAVID J. LAQUERRE

Respondent(s).

RCD Feb 18 2004 01:03PM  
DANNY L KOLHAGE, CLERK

CASE NO. CE03050022

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Master on December 4<sup>th</sup> 2003, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §9.5-111(a) - A permit is required for pavers and a seawall;

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by January 21<sup>st</sup> 2004, and further, that failure to correct the violation(s) by the compliance date may result in a fine in the amount of \$250.00, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Master held on January 28<sup>th</sup> 2004, Inspector Bass testified that the violation(s) had not yet been corrected.

ACCORDINGLY, the Special Master finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$250.00 (TWO HUNDRED FIFTY DOLLARS), per day, beginning January 22<sup>nd</sup> 2004, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

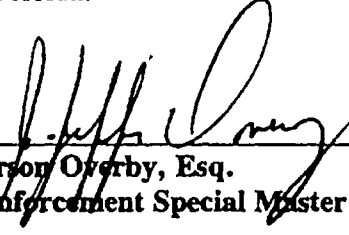
THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: 73 E. CAHILL ROAD, BIG PINE KEY, MONROE COUNTY, FLORIDA (RE:00244340-000000)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Master of compliance.

DONE AND ORDERED this 9 day of February, 2004, at the Monroe County Government Regional Center, Marathon, Florida.

BY

  
J. Jefferson Overby, Esq.  
Code Enforcement Special Master

STATE OF FLORIDA  
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared J. Jefferson Overby, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

9 WITNESS my hand and official seal in the County and State last aforesaid this day of February, 2004.

  
Notary Public



Jacqueline L. McLain  
My Commission DD246970  
Expires October 21, 2007

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at 73 e. Cahill Road, Big Pine Key, FL 33043, this 10 day of February, 2004.

I hereby certify this document to be a true and correct copy of the original.

  
Jacqueline L. McLain  
Recording Secretary to the Special Master

  
Jacqueline L. McLain,  
Code Enforcement Liaison

MONROE COUNTY  
OFFICIAL RECORDS

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER  
OF MONROE COUNTY, FLORIDA**

**MONROE COUNTY, FLORIDA**

**Petitioner,**

**vs.**

**CASE NO. CE03100243**

**HOLLY GRACE BLANDEAUX**

**Respondent(s).**

**ORDER IMPOSING PENALTY/LIEN**

**THIS CAUSE** having come on for public hearing before the Special Master on February 26<sup>th</sup> 2004, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §16-18 - A permit is required for use of county right-of-way; §8-33(c) - Unlawful disposal of solid waste;

At the meeting of the Special Master held on February 26<sup>th</sup> 2004, Inspector Bass testified that the violation(s) had been corrected by Solid Waste Management. The subject travel trailer was removed and disposed of for a cost incurred by the county of \$584.88.

**ACCORDINGLY**, the Special Master finding that the violation(s) had been corrected by the county:

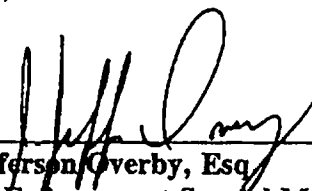
**ORDERED** that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of **\$584.88 (FIVE HUNDRED EIGHTY-FOUR DOLLARS AND EIGHTY-EIGHT CENTS)**, for the removal and disposal of subject travel trailer. Pursuant to Florida Statutes Section 162.07, a fine in the amount of **\$100.00 (ONE HUNDRED DOLLARS)** is hereby levied for the administrative recovery for prosecution and investigation.

**THIS ORDER SHALL CONSTITUTE A LIEN AGAINST ANY REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).**

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the Courts for Monroe County, Florida.

DONE AND ORDERED this 15 day of March, 2004, at the Monroe County Government Regional Center, Marathon, Florida.

BY

  
J. Jefferson Overby, Esq.  
Code Enforcement Special Master

**STATE OF FLORIDA  
COUNTY OF MONROE**

I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared J. Jefferson Overby, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

15 WITNESS my hand and official seal in the County and State last aforesaid this day of March, 2004.

  
Notary Public

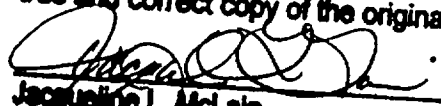


Jacqueline L. McLain  
My Commission DD240070  
Expires October 21, 2007

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at P.O. Box 431540, Big Pine Key, FL 33043, this 15 day of March, 2004.

  
Jacqueline L. McLain,  
Code Enforcement Liaison

I hereby certify this document to be a true and correct copy of the original.

  
Jacqueline L. McLain  
Recording Secretary to the Special Master

MONROE COUNTY  
OFFICIAL RECORDS